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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,394	11/03/2003	Tetsui Shimizu	M1909.1124	2718
32172 7590 06/05/2008 DICKSTEIN SHAPIRO LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) NEW YORK, NY 10036-2714				
EXAMINER				
BEHNCKE, CHRISTINE M				
ART UNIT		PAPER NUMBER		
3661				
MAIL DATE		DELIVERY MODE		
06/05/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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Ex parte TESSEI SHIMIZU

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Application No. 10/698,394

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**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

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This application was electronically received at the Board of Patent Appeals and Interferences on October 27, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The Information Disclosure Statement dated October 9, 2007, needs to be considered and acknowledged by the Examiner with respect to compliance with the criteria set forth in 37 CFR §§ 1.97 and 1.98. A written communication notifying appellants of the Primary Examiner's consideration is required.

Accordingly, it is

ORDERED that the instant application be electronically returned to the examiner to:

- (1) consider and acknowledge the Information Disclosure Statement filed October 9, 2007; and
- (2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Dale M. Shaw  
Chief Appeals Administrator  
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DMS/ewh

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